



May 12, 2009

Members of the House Judiciary Committee:

On behalf of the Anti-Defamation League (ADL), I write to express strong support for H.B. 4836, the Michigan Anti-Bias Crimes Act.

ADL is a national civil rights and human relations agency that has long been at the forefront of national, state and local efforts to deter and counteract bias-motivated criminal activity. In 1981, ADL drafted a model penalty-enhancement statute for bias-motivated crimes. Since that time, ADL's model statute has served as a basis for many of the bias-crime laws that have been adopted by 45 states and the District of Columbia. Our work on bias crimes is not limited to lobbying for legislation, however. We also work closely with law enforcement to prevent bias-motivated crimes and to apprehend extremists and others who commit those crimes.

ADL supports the proposed Michigan Anti-Bias Crime Bill, H.B. 4836 for reasons including the following:

First, the bill expands the categories of protection to individuals who are targeted because of their perceived sexual orientation, gender identity, or disability. This change communicates that Michigan legislators acknowledge and condemn these types of bias-motivated crimes. Regrettably, reported hate crimes against individuals perceived as gay, lesbian, or disabled are on the rise in Michigan: according to the FBI 2007 Hate Crimes Statistics Act Report, Michigan law enforcement agencies reported 73 hate crimes committed against individuals perceived as gay or lesbian in 2007, an increase from 52 such crimes reported in 2006; similarly, Michigan agencies reported 4 hate crimes against disabled individuals in 2007, up from 2 in 2006.<sup>1</sup> National trends, as illustrated in the enclosed chart, also demonstrate an increase over time in hate crimes against gay, lesbian, and disabled individuals. H.B. 4836 might counteract this negative trend by expressing the community's resolve and by providing an additional deterrent.

Second, H.B. 4836 clarifies that mistake is not a defense for committing a bias-motivated crime. It is the biased motivation – not the offender's accuracy in choosing a victim who fits the offender's bias – that justifies a sentence enhancement. As ADL's experience with hate crimes has shown, hate crimes traumatize communities, and this is no less true if the offender mistakes the identity of the victim. For example, if an offender attempts to victimize an individual who he or she believes to be Mexican immigrant, but actually victimizes a natural-born citizen, the crime will inspire the same fear in the Mexican community as if the offender had actually victimized a Mexican. H.B. 4836 assures judges that a sentence enhancement is available even if an offender's perception of the victim is inaccurate.

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<sup>1</sup> Because the FBI's Hate Crime Statistics Act report does not compile data about bias-crimes committed on the basis of the victim's perceived gender identity, ADL is not able to provide similar data about the occurrence of gender-identity hate crimes.

Every individual in Michigan deserves protection from bias-motivated criminal activity. While bigotry cannot be outlawed, H.B. 4836 would demonstrate a renewed commitment by Michigan's legislators to eradicate bias-motivated crime. ADL strongly urges the House Judiciary Committee to report H.B. 4836 with favorable recommendation.

Thank you for your consideration.

Sincerely,

*Betsy Kellman*

Betsy Kellman  
Regional Director

# Motivation for Hate Crimes: Number of Incidents and Number of Victims\* (2002-2007)

	2007		2006		2005		2004		2003		2002	
	Incidents	Victims	Incidents	Victims	Incidents	Victims	Incidents	Victims	Incidents	Victims	Incidents	Victims
Racial Bias	3,870/50.8	4,956/52.0	4,000/51.8	5,020/52.0	3,919/54.7	4,895/55.6	4,402/57.5	5,119/53.7	3,844/51.3	4,754/52.2	3,642/48.8	4,580/49.7
Anti-Black	2,658/34.9	3,434/36.0	2,640/34.2	3,332/34.5	2,630/36.7	3,322/37.7	2,731/35.7	3,475/36.5	2,548/34.0	3,150/34.6	2,486/33.3	3,076/33.4
Anti-White	749/9.8	908/9.5	890/11.5	1,054/10.9	828/11.6	975/11.1	829/10.8	1,027/10.8	830/11.1	1,006/11.1	719/9.6	910/9.9
Anti-Asian/Pacific Islander	188/2.5	234/2.5	181/2.3	239/2.4	199/2.8	240/2.7	217/2.8	266/2.8	231/3.1	289/3.2	217/2.9	280/3.0
Religious	1,400/18.4	1,628/17.1	1,462/18.9	1,750/18.1	1,227/17.1	1,405/15.0	1,374/18.0	1,596/16.6	1,343/17.9	1,489/16.4	1,426/19.1	1,659/18.0
Anti-Semitic	969/12.7	1,127/11.8	967/12.5	1,144/11.9	848/11.8	977/11.1	954/12.5	1,076/11.3	927/12.4	1,025/11.3	931/12.5	1,084/11.8
Anti-Islamic	115/1.5	142/1.5	156/2.0	208/2.2	128/1.8	151/1.7	156/2.0	201/2.1	149/2.0	171/1.9	155/2.1	174/1.9
Ethnicity/National Origin	1,007/13.2	1,347/14.1	984/12.7	1,305/13.5	944/13.2	1,228/13.9	972/12.7	1,254/13.2	1,026/13.7	1,326/14.6	1,102/14.8	1,409/15.3
Anti-Hispanic	595/7.8	830/8.7	576/7.5	819/8.5	522/7.3	722/8.2	475/6.2	646/6.8	426/5.7	595/6.5	480/6.4	639/6.9
Sexual Orientation	1,265/16.6	1,512/15.9	1,195/15.5	1,472/15.3	1,017/14.2	1,213/13.8	1,197/15.6	1,482/15.6	1,239/16.5	1,479/16.3	1,244/16.7	1,513/16.4
Disability	79/1.0	84/0.88	79/1.0	95/1.0	53/0.74	54/0.61	57/0.74	73/0.77	33/0.44	43/0.47	45/0.59	50/0.54

Updated October, 2008

\*The term *victim* may refer to a person, business, institution, or society as a whole.

Compiled by the Anti-Defamation League's Washington Office from information collected by the FBI

More information about ADL's resources on response to hate violence can be found at the League's Website: [www.adl.org](http://www.adl.org)